



DAC
E-1950

In re Application of
Mark E. Dillon

U.S. Patent Application Serial No. 09/754,010

Filed: January 3, 2001

For: NOVEL WOUND DRESSING, PROCESS OF MANUFACTURE AND USEFUL ARTICLES
THEREOF

Examiner: Kyle A. Purdy

Art Unit: 1611

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

SIR:

CERTIFICATE OF FIRST - CLASS MAILING - PATENTS

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited today with the United States Postal Service as first-class postage-prepaid mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

7/23/12

Date:

John F.A. Earley III

John F.A. Earley III
Reg. No. 31,350

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Patent Office Deposit Account No. 05-0208.

7/23/12

Date

John F.A. Earley III

John F.A. Earley III
Reg. No. 31,350

REQUEST TO REVIVE

This is in response to Notice of Abandonment (copy enclosed) dated May 23, 2012 which indicates that the above-identified application has been abandoned for failure to respond to the Office Action dated July 21, 2011.

However, applicant timely responded to the Office Action dated July 21, 2011 by filing on January 23, 2012 (a Monday) a Notice of Appeal, a 12 page Response to the Office Action, a petition for extension of time, and the appropriate fees, all under a certificate of first-class mailing, as evidenced

by the enclosed copy of the Post Card Receipt stamped by the Patent Trademark Office. Moreover, Applicant encloses a printout from the USPTO's Patent Application Information Retrieval (PAIR) data base showing receipt of Applicant's Notice of Appeal, 12 page Response to the Office Action, and petition for extension of time on January 27, 2012.

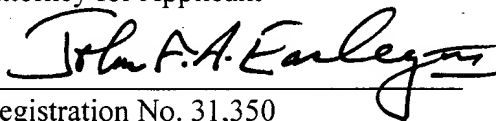
Applicant encloses copies of the following documents timely submitted under the certificate of first-class mailing on January 23, 2012:

- 1) Notice of Appeal,
- 2) 12 page Response to the Office Action dated July 21, 2011,
- 3) Petition for an Extension of Time;

Regarding the check submitted with applicant's January 23, 2012 submission for fees associated with Applicant's submission, Applicant submits a copy of the check showing that it has been cashed by the United States Patent Trademark Office. Accordingly, it has not been believed that any further fees are required.

Based on the above, applicant respectfully requests that the mistakenly issued Notice of Abandonment be withdrawn and the applicant's application be revived.

Respectfully submitted,
Harding, Earley, Follmer & Frailey
John F. A. Earley III
Attorney for Applicant



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Facsimile: 610-935-0600

Date: 7-23-12

Print

[illegible]

<https://www3.citizensbankonline.com/efs/servlet/efsonline/image.jsp?TransID=621925305...> 7/23/2012



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MAY 30 2012

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/754,010

01/03/2001

Mark E. Dillon

E-1950

3438

7590 05/23/2012
John F. A. Earley III
86 The Commons At Valley Forge East
1288 Valley Forge Road
P.O. Box 750
Valley Forge, PA 19482-0750

EXAMINER

PURDY, KYLE A

ART UNIT

PAPER NUMBER

1611

MAIL DATE

DELIVERY MODE

05/23/2012

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DWV



Notice of Abandonment

Application No.

09/754,010

Examiner

K Purdy

Applicant(s)

DILLON, MARK E.

Art Unit

1611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 21 July 2011.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

/DAVID J BLANCHARD/
Supervisory Patent Examiner, Art Unit 1619

/K Purdy/
Examiner, Art Unit 1611

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

January 23, 2012

Bio Med/E-1950

In re Application of

Mark E. Millon

Application Serial No. 09/754,010

Filed: 01/03/01

FOR: NOVEL WOUND DRESSING, PROCESS OF MANUFACTURE AND USEFUL
ARTICLES THEREOF

ENCLOSURES:

1 Page Petition for Extension of Time (3-Month); 1 Page Notice
of Appeal from the Primary Examiner to the Board of Patent
Appeals and Interferences; 12 Page Response; a Check for the
amount of \$945.00; and a Postal Card Receipt.

PTO RECEIPT STAMP





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09/754,010 **Novel wound dressing, process of manufacture and useful articles thereof** E-1950

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This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click Start Download.

Available Documents

Mail Room Date	Document Code	Document Description	Document Category	Page Count	PDF
05-23-2012	ABN	Abandonment	PROSECUTION	2	<input type="checkbox"/>
01-27-2012	AP/A	Amendment/Argument after Notice of Appeal	PROSECUTION	1	<input type="checkbox"/>
01-27-2012	CLM	Claims	PROSECUTION	4	<input type="checkbox"/>
01-27-2012	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	7	<input type="checkbox"/>
01-27-2012	XT/	Extension of Time	PROSECUTION	1	<input type="checkbox"/>
01-27-2012	N/AP	Notice of Appeal Filed	PROSECUTION	1	<input type="checkbox"/>
07-21-2011	CTFR	Final Rejection	PROSECUTION	7	<input type="checkbox"/>
07-21-2011	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1	<input type="checkbox"/>
07-21-2011	SRNT	Examiner's search strategy and results	PROSECUTION	1	<input type="checkbox"/>
05-06-2011	A...	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	1	<input type="checkbox"/>
05-06-2011	CLM	Claims	PROSECUTION	4	<input type="checkbox"/>
05-06-2011	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	8	<input type="checkbox"/>
05-06-2011	136A	Authorization for Extension of Time all replies	PROSECUTION	1	<input type="checkbox"/>
11-02-2010	CTNF	Non-Final Rejection	PROSECUTION	8	<input type="checkbox"/>
11-02-2010	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1	<input type="checkbox"/>
11-02-2010	SRNT	Examiner's search strategy and results	PROSECUTION	1	<input type="checkbox"/>
09-20-2010	RCEX	Request for Continued Examination (RCE)	PROSECUTION	1	<input type="checkbox"/>
09-20-2010	XT/	Extension of Time	PROSECUTION	1	<input type="checkbox"/>
09-20-2010	AMSB	Amendment Submitted/Entered with Filing of CPA/RCE	PROSECUTION	1	<input type="checkbox"/>
09-20-2010	CLM	Claims	PROSECUTION	4	<input type="checkbox"/>
09-20-2010	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	8	<input type="checkbox"/>
09-20-2010	WFEE	Fee Worksheet (SB06)	PROSECUTION	1	<input type="checkbox"/>
03-15-2010	N/AP	Notice of Appeal Filed	PROSECUTION	1	<input type="checkbox"/>
03-15-2010	XT/	Extension of Time	PROSECUTION	1	<input type="checkbox"/>

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09-11-2009	CTFR	<u>Final Rejection</u>	PROSECUTION	19	<input type="checkbox"/>
09-11-2009	SRNT	<u>Examiner's search strategy and results</u>	PROSECUTION	1	<input type="checkbox"/>
09-11-2009	SRFW	<u>Search information including classification, databases and other search related notes</u>	PROSECUTION	1	<input type="checkbox"/>
06-01-2009	A...	<u>Amendment/Req. Reconsideration-After Non-Final Reject</u>	PROSECUTION	1	<input type="checkbox"/>
06-01-2009	CLM	<u>Claims</u>	PROSECUTION	4	<input type="checkbox"/>
06-01-2009	REM	<u>Applicant Arguments/Remarks Made in an Amendment</u>	PROSECUTION	7	<input type="checkbox"/>
06-01-2009	XT/	<u>Extension of Time</u>	PROSECUTION	1	<input type="checkbox"/>
06-01-2009	WFEE	<u>Fee Worksheet (SB06)</u>	PROSECUTION	1	<input type="checkbox"/>
11-25-2008	CTNF	<u>Non-Final Rejection</u>	PROSECUTION	17	<input type="checkbox"/>
11-25-2008	SRFW	<u>Search information including classification, databases and other search related notes</u>	PROSECUTION	1	<input type="checkbox"/>
11-25-2008	SRNT	<u>Examiner's search strategy and results</u>	PROSECUTION	1	<input type="checkbox"/>
08-21-2008	RCEX	<u>Request for Continued Examination (RCE)</u>	PROSECUTION	1	<input type="checkbox"/>
08-21-2008	XT/	<u>Extension of Time</u>	PROSECUTION	1	<input type="checkbox"/>
08-21-2008	AMSB	<u>Amendment Submitted/Entered with Filing of CPA/RCE</u>	PROSECUTION	1	<input type="checkbox"/>
08-21-2008	CLM	<u>Claims</u>	PROSECUTION	4	<input type="checkbox"/>
08-21-2008	REM	<u>Applicant Arguments/Remarks Made in an Amendment</u>	PROSECUTION	12	<input type="checkbox"/>
08-21-2008	WFEE	<u>Fee Worksheet (SB06)</u>	PROSECUTION	1	<input type="checkbox"/>
03-18-2008	CTFR	<u>Final Rejection</u>	PROSECUTION	20	<input type="checkbox"/>
03-18-2008	FWCLM	<u>Index of Claims</u>	PROSECUTION	2	<input type="checkbox"/>
03-18-2008	SRFW	<u>Search information including classification, databases and other search related notes</u>	PROSECUTION	1	<input type="checkbox"/>
03-18-2008	SRNT	<u>Examiner's search strategy and results</u>	PROSECUTION	3	<input type="checkbox"/>
12-14-2007	A...	<u>Amendment/Req. Reconsideration-After Non-Final Reject</u>	PROSECUTION	1	<input type="checkbox"/>
12-14-2007	CLM	<u>Claims</u>	PROSECUTION	4	<input type="checkbox"/>
12-14-2007	REM	<u>Applicant Arguments/Remarks Made in an Amendment</u>	PROSECUTION	8	<input type="checkbox"/>
12-14-2007	XT/	<u>Extension of Time</u>	PROSECUTION	1	<input type="checkbox"/>
12-14-2007	WFEE	<u>Fee Worksheet (SB06)</u>	PROSECUTION	1	<input type="checkbox"/>
06-11-2007	CTNF	<u>Non-Final Rejection</u>	PROSECUTION	18	<input type="checkbox"/>
06-11-2007	892	<u>List of references cited by examiner</u>	PRIOR ART	1	<input type="checkbox"/>
06-11-2007	SRFW	<u>Search information including classification, databases and other search related notes</u>	PROSECUTION	1	<input type="checkbox"/>
06-11-2007	FWCLM	<u>Index of Claims</u>	PROSECUTION	1	<input type="checkbox"/>
05-14-2007	WFEE	<u>Fee Worksheet (SB06)</u>	PROSECUTION	1	<input type="checkbox"/>
05-14-2007	WCLM	<u>Claims Worksheet (PTO-2022)</u>	PROSECUTION	1	<input type="checkbox"/>
		<u>Amendment/Req.</u>			

05-01-2007	A...	<u>Reconsideration-After Non-Final Reject</u>	PROSECUTION	3	<input type="checkbox"/>
05-01-2007	CLM	<u>Claims</u>	PROSECUTION	4	<input type="checkbox"/>
05-01-2007	REM	<u>Applicant Arguments/Remarks Made in an Amendment</u>	PROSECUTION	9	<input type="checkbox"/>
04-09-2007	WFEE	<u>Fee Worksheet (SB06)</u>	PROSECUTION	1	<input type="checkbox"/>
04-03-2007	NTC.A.NONCPL	<u>Notice to the applicant regarding a non- compliant or non- responsive amendment</u>	PROSECUTION	2	<input type="checkbox"/>
03-23-2007	NTC.A.NONCPL	<u>Notice to the applicant regarding a non- compliant or non- responsive amendment</u>	PROSECUTION	1	<input type="checkbox"/>
03-23-2007	CLM.NE	<u>Claim-Amendment Not Entered</u>	PROSECUTION	4	<input type="checkbox"/>
03-23-2007	REM	<u>Applicant Arguments/Remarks Made in an Amendment</u>	PROSECUTION	8	<input type="checkbox"/>
03-23-2007	RCEX	<u>Request for Continued Examination (RCE)</u>	PROSECUTION	1	<input type="checkbox"/>
03-23-2007	REM	<u>Applicant Arguments/Remarks Made in an Amendment</u>	PROSECUTION	1	<input type="checkbox"/>
03-23-2007	LET.	<u>Miscellaneous Incoming Letter</u>	PROSECUTION	2	<input type="checkbox"/>
03-23-2007	XT/	<u>Extension of Time</u>	PROSECUTION	1	<input type="checkbox"/>
03-12-2007	CTMS	<u>Miscellaneous Action with SSP</u>	PROSECUTION	1	<input type="checkbox"/>
02-23-2007	RCEX	<u>Request for Continued Examination (RCE)</u>	PROSECUTION	1	<input type="checkbox"/>
02-23-2007	XT/	<u>Extension of Time</u>	PROSECUTION	1	<input type="checkbox"/>
02-23-2007	WFEE	<u>Fee Worksheet (SB06)</u>	PROSECUTION	1	<input type="checkbox"/>
09-22-2006	N/AP	<u>Notice of Appeal Filed</u>	PROSECUTION	1	<input type="checkbox"/>
09-22-2006	XT/	<u>Extension of Time</u>	PROSECUTION	1	<input type="checkbox"/>
03-17-2006	CTFR	<u>Final Rejection</u>	PROSECUTION	18	<input type="checkbox"/>
03-17-2006	SRFW	<u>Search information including classification, databases and other search related notes</u>	PROSECUTION	1	<input type="checkbox"/>
03-17-2006	FWCLM	<u>Index of Claims</u>	PROSECUTION	1	<input type="checkbox"/>
03-09-2006	SRNT	<u>Examiner's search strategy and results</u>	PROSECUTION	1	<input type="checkbox"/>
12-27-2005	A...	<u>Amendment/Req. Reconsideration-After Non-Final Reject</u>	PROSECUTION	1	<input type="checkbox"/>
12-27-2005	CLM	<u>Claims</u>	PROSECUTION	3	<input type="checkbox"/>
12-27-2005	REM	<u>Applicant Arguments/Remarks Made in an Amendment</u>	PROSECUTION	4	<input type="checkbox"/>
12-27-2005	XT/	<u>Extension of Time</u>	PROSECUTION	1	<input type="checkbox"/>
06-24-2005	CTNF	<u>Non-Final Rejection</u>	PROSECUTION	11	<input type="checkbox"/>
06-24-2005	892	<u>List of references cited by examiner</u>	PRIOR ART	1	<input type="checkbox"/>
06-24-2005	SRFW	<u>Search information including classification, databases and other search related notes</u>	PROSECUTION	1	<input type="checkbox"/>
06-24-2005	FWCLM	<u>Index of Claims</u>	PROSECUTION	1	<input type="checkbox"/>
06-17-2005	SRNT	<u>Examiner's search strategy and results</u>	PROSECUTION	7	<input type="checkbox"/>
		<u>Petition decision</u>			

03-31-2005	PET.DEC.OIPE	<u>routed to the OIPE to act on the decision or continue prosecution.</u>	PROSECUTION	2	<input type="checkbox"/>
12-27-2004	AMSB	<u>Amendment Submitted/Entered with Filing of CPA/RCE</u>	PROSECUTION	18	<input type="checkbox"/>
12-27-2004	WFEE	<u>Fee Worksheet (SB06)</u>	PROSECUTION	1	<input type="checkbox"/>
12-27-2004	WCLM	<u>Claims Worksheet (PTO-2022)</u>	PROSECUTION	1	<input type="checkbox"/>
03-24-2004	ABN	<u>Abandonment</u>	PROSECUTION	2	<input type="checkbox"/>
03-24-2004	EXIN	<u>Examiner Interview Summary Record (PTOL - 413)</u>	PROSECUTION	2	<input type="checkbox"/>
11-24-2003	CTAV	<u>Advisory Action (PTOL-303)</u>	PROSECUTION	3	<input type="checkbox"/>
10-31-2003	A...	<u>Amendment/Req. Reconsideration-After Non-Final Reject</u>	PROSECUTION	1	<input type="checkbox"/>
10-31-2003	CLM	<u>Claims</u>	PROSECUTION	4	<input type="checkbox"/>
10-31-2003	REM	<u>Applicant Arguments/Remarks Made in an Amendment</u>	PROSECUTION	6	<input type="checkbox"/>
10-31-2003	XT/	<u>Extension of Time</u>	PROSECUTION	1	<input type="checkbox"/>
10-31-2003	LET.	<u>Miscellaneous Incoming Letter</u>	PROSECUTION	1	<input type="checkbox"/>
06-02-2003	CTAV	<u>Advisory Action (PTOL-303)</u>	PROSECUTION	4	<input type="checkbox"/>
05-27-2003	A.NE	<u>Amendment After Final</u>	PROSECUTION	1	<input type="checkbox"/>
05-27-2003	CLM	<u>Claims</u>	PROSECUTION	4	<input type="checkbox"/>
05-27-2003	REM	<u>Applicant Arguments/Remarks Made in an Amendment</u>	PROSECUTION	7	<input type="checkbox"/>
02-21-2003	CTFR	<u>Final Rejection</u>	PROSECUTION	8	<input type="checkbox"/>
11-29-2002	A...	<u>Amendment/Req. Reconsideration-After Non-Final Reject</u>	PROSECUTION	1	<input type="checkbox"/>
11-29-2002	CLM	<u>Claims</u>	PROSECUTION	1	<input type="checkbox"/>
11-29-2002	REM	<u>Applicant Arguments/Remarks Made in an Amendment</u>	PROSECUTION	3	<input type="checkbox"/>
11-29-2002	APPENDIX	<u>Appendix to the Specification</u>	PROSECUTION	2	<input type="checkbox"/>
11-29-2002	XT/	<u>Extension of Time</u>	PROSECUTION	1	<input type="checkbox"/>
05-21-2002	CTNF	<u>Non-Final Rejection</u>	PROSECUTION	7	<input type="checkbox"/>
05-21-2002	892	<u>List of references cited by examiner</u>	PRIOR ART	1	<input type="checkbox"/>
05-16-2002	SRNT	<u>Examiner's search strategy and results</u>	PROSECUTION	10	<input type="checkbox"/>
05-03-2002	ELC.	<u>Response to Election / Restriction Filed</u>	PROSECUTION	1	<input type="checkbox"/>
05-03-2002	REM	<u>Applicant Arguments/Remarks Made in an Amendment</u>	PROSECUTION	2	<input type="checkbox"/>
03-21-2002	CTRS	<u>Requirement for Restriction/Election</u>	PROSECUTION	5	<input type="checkbox"/>
05-29-2001	OATH	<u>Oath or Declaration filed</u>	PROSECUTION	5	<input type="checkbox"/>
05-29-2001	LET.	<u>Miscellaneous Incoming Letter</u>	PROSECUTION	3	<input type="checkbox"/>
02-23-2001	CTMS	<u>Miscellaneous Action with SSP</u>	PROSECUTION	2	<input type="checkbox"/>
01-03-2001	TRNA	<u>Transmittal of New Application</u>	PACR	2	<input type="checkbox"/>
01-03-2001	A.PE	<u>Preliminary Amendment</u>	PACR	2	<input type="checkbox"/>
01-03-2001	SPEC	<u>Specification</u>	PACR	9	<input type="checkbox"/>
01-03-2001	CLM	<u>Claims</u>	PACR	7	<input type="checkbox"/>

01-03-2001	ABST	Abstract	PACR	1	<input type="checkbox"/>
01-03-2001	DRW	Drawings-only black and white line drawings	PACR	1	<input type="checkbox"/>
01-03-2001	OATH	Oath or Declaration filed	PACR	2	<input type="checkbox"/>
01-03-2001	IIFW	Issue Information including classification, examiner, name, claim, renumbering, etc.	PROSECUTION	1	<input type="checkbox"/>
01-03-2001	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1	<input type="checkbox"/>
01-03-2001	FWCLM	Index of Claims	PROSECUTION	1	<input type="checkbox"/>
01-03-2001	TRNA	Transmittal of New Application	PROSECUTION	2	<input type="checkbox"/>
01-03-2001	A.PE	Preliminary Amendment	PROSECUTION	2	<input type="checkbox"/>
01-03-2001	DRW	Drawings-only black and white line drawings	PROSECUTION	1	<input type="checkbox"/>
01-03-2001	SPEC	Specification	PROSECUTION	9	<input type="checkbox"/>
01-03-2001	CLM	Claims	PROSECUTION	7	<input type="checkbox"/>
01-03-2001	ABST	Abstract	PROSECUTION	1	<input type="checkbox"/>
01-03-2001	OATH	Oath or Declaration filed	PROSECUTION	2	<input type="checkbox"/>
01-03-2001	WFEE	Fee Worksheet (SB06)	PROSECUTION	1	<input type="checkbox"/>
01-03-2001	WCLM	Claims Worksheet (PTO-2022)	PROSECUTION	1	<input type="checkbox"/>

If you need help:

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- Send general questions about USPTO programs to the [USPTO Contact Center \(UCC\)](#).
- If you experience technical difficulties or problems with this application, please report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9199.

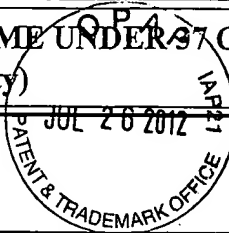
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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)
(Small Entity)

Docket No.
E-1950

In Re Application Of: Mark E. Dillon



Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/754,010	01/03/2001	Kyle A. Purdy	000045190	1611	3438

Invention: NOVEL WOUND DRESSING, PROCESS OF MANUFACTURE AND USEFUL ARTICLES THEREOF

COMMISSIONER FOR PATENTS:

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of 07/21/2011 in the above-identified application.
Date

The requested extension is as follows (check time period desired):

☐ One month ☐ Two months ☒ Three months ☐ Four months ☐ Five months

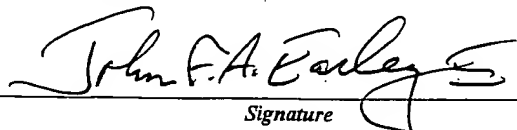
from: 10/21/2011 until: 01/21/2012
Date *Date*

☒ Applicant claims small entity status. See 37 CFR 1.27

The fee for the extension of time is \$635 and is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 05-0208
- ☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 05-0208
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

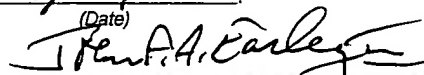

Signature

Dated: 1/23/12

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I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

1/23/12
(Date)



Signature of Person Mailing Correspondence

John F. A. Earley III

Typed or Printed Name of Person Mailing Correspondence

CC:

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES (Small Entity)**

Docket No.
E-1950

In Re Application Of: **Mark E. Dillon**



Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/754,010	01/03/2001	PURDY, KYLE A.	000045190	1611	3438

Invention: **NOVEL WOUND DRESSING, PROCESS OF MANUFACTURE AND USEFUL ARTICLES THEREOF**

COMMISSIONER FOR PATENTS:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated **07/21/2011** finally rejecting Claim(s) **34-36, 38, 39 and 41-45**

Applicant is a small entity under 37 CFR 1.9 and 1.27.

☒ Applicant claims small entity status. See 37 CFR 1.27

The fee for this Notice of Appeal is: **\$310.00**

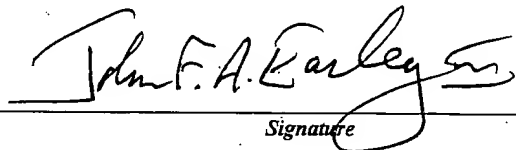
☒ A check in the amount of the fee is enclosed.

☒ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **05-0208**

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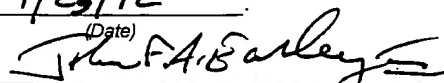
1/23/12

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1/23/12

(Date)



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E-1950

In re Application of

MARK E. DILLON

Serial No. 09/754,010

Filed: 01/03/01

For: NOVEL WOUND DRESSING, PROCESS OF MANUFACTURE AND USEFUL
ARTICLES THEREOF

Examiner: Kyle A. Purdy

Art Unit: 1611

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

MADAM:

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited today with the United States Postal Service as first-class postage-prepaid mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

1/23/2012
Date:

John F. A. Earley III
John F. A. Earley III
Reg. No.: 31,350

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper and during this pendency of this application to Account 05-0208.

1/23/2012
Date:

John F. A. Earley III
John F. A. Earley III
Reg. No.: 31,350

RESPONSE

A LISTING OF THE CLAIMS begins on page 2.

REMARKS begin on page 6.

LISTING OF THE CLAIMS

1-33. Cancelled.

34. (Previously presented) A dual-purpose wound dressing capable of providing disparate wound healing characteristics to a wound depending on which side of the wound dressing contacts the wound, comprising

a multilayered composite structure, the multilayered composite structure having a first wound contacting side having a wound surface contacting outer surface that has wound healing characteristics and a second wound contacting side having a wound surface contacting outer surface that has wound healing characteristics different from the wound healing characteristics of the wound surface contacting outer surface of the first wound contacting side of the composite structure, the multilayered structure including

a bottom outermost layer forming the first wound contacting side of the composite structure, the bottom outermost layer being a membrane layer, the membrane layer having an outer surface, the outer surface of the membrane layer forming the wound surface contacting outer surface of the first wound contacting side of the composite structure, and the membrane layer comprising a silicone-containing compound, and

a top outermost layer forming the second wound contacting side of the composite structure, the top outermost layer being a foam layer, the foam layer having an outer surface, and the outer surface of the foam layer forming the wound surface contacting outer surface of the second wound contacting side of the composite structure.

35. (Previously presented) The wound dressing of claim 34, further comprising an adhesive layer for joining the bottom outermost layer and top outermost layer together.

36. (Previously Presented) The wound dressing of claim 34, wherein the foam layer comprises a polyurethane material.
37. (Cancelled)
38. (Previously Presented) The wound dressing of claim 35, wherein the adhesive layer comprises a silicone compound.
39. (Previously presented) The wound dressing of claim 34, wherein the bottom outermost layer comprises an interpenetrating polymer network of polytetrafluoroethylene and silicone.
40. Cancelled.
41. (Previously presented) The wound dressing of claim 34, further comprising an adhesive layer for joining the bottom outermost layer and the top outermost layer together, the bottom outermost layer being substantially transparent, the top outermost layer being substantially opaque, and the adhesive layer containing an orienting indicator for orienting a side of a surface to a wound, said orienting indicator being provided in the form of a pigment for imparting a discernable color to the adhesive layer that may be seen through the bottom outermost layer of the wound dressing.
42. (Previously presented) The wound dressing of claim 34, further including fenestrations formed in the bottom outermost layer.
43. (Previously Presented) The wound dressing of claim 35, the adhesive layer being a silicone elastomer.
44. (Previously presented) The wound dressing of claim 34, the bottom outermost layer being about 50 microns thick and the top outermost layer being about 1500 microns thick.
45. (Previously Presented) The wound dressing of claim 34, the wound dressing having a cross-section of such thickness as to be resistant to roll-up, wrinkling and slippage.

46. (Withdrawn) A method of manufacturing a dual-purpose wound dressing capable of providing disparate wound healing characteristics to a wound depending on which side of the wound dressing contacts the wound, comprising (1) producing a thin film membrane layer, (2) passing said thin film membrane layer through a coating assembly and depositing a layer of an adhesive substance, and (3) causing a foam material to make intimate contact with said adhesive substance to form a multilayered composite wound dressing having a first wound contacting side and a second wound contacting side, the first wound contacting side of the multilayered wound dressing being formed by the thin film membrane layer and the second wound contacting side of the multilayered wound dressing being formed by the foam material.

47. (Withdrawn) The method of claim 46, further including cutting the wound dressing into smaller sized wound dressings.

48. (Withdrawn) The method of claim 46, further including creating fenestrations in the membrane layer.

49. (Withdrawn) The method of claim 46, the adhesive substance having a pigment mixed therein.

50. (Withdrawn) A method of using a dual-purpose wound dressing capable of providing disparate wound healing characteristics to a wound, comprising the steps of

providing a multilayered composite structure, the multilayered composite structure having a first wound contacting side having an outer wound contacting surface that has wound healing characteristics and a second wound contacting side having an outer wound contacting surface that has wound healing characteristics different from the wound healing characteristics of the outer surface of the first side of the composite structure, the

multilayered structure including a first layer forming the first wound contacting side of the composite structure, the first layer being a membrane layer, and a second layer forming the second wound contacting side of the composite structure, the second layer being a foam layer,

choosing the outer wound contacting surface desired to be applied to the wound to provide the wound healing characteristics of the chosen outer wound contacting surface to the wound, and

applying the dressing to the wound with the chosen outer wound contacting surface contacting the wound to provide the wound healing characteristics of the chosen outer wound contacting surface to the wound.

51. (Withdrawn) The method of claim 50, wherein the first layer comprises an interpenetrating polymer network of polytetrafluoroethylene and silicone.
52. (Withdrawn) The method of claim 50, further comprising an adhesive layer for joining the first and second layers together, the first layer being substantially transparent, the second layer being substantially opaque, and the adhesive layer containing a pigment for imparting a discernable color to the adhesive layer that may be seen through the first layer of the wound dressing.
53. (Withdrawn) The method of claim 50, further including fenestrations formed in the first layer.
54. (Withdrawn) The method of claim 50, the first layer being about 50 microns thick and the second layer being about 1500 microns thick.

REMARKS

Reconsideration of the application is respectfully requested in view of the following remarks:

1) Claims 34-36, 38, 39, and 41-45 are rejected under 35 U.S.C. §103(a) as being unpatentable over Freeman et al. (U.S. 5,681,579) in view of Lorenz et al. (U.S. 5,258,421), evidenced by U.S. 4,832,009. Applicant respectfully traverses the rejection of these claims.

First, this rejection is contrary to the Examiner's prior position in the prosecution of this application. Specifically, the Examiner indicated in the Office Action dated November 2, 2010 (at page 3, Paragraph No. 9) that the arguments filed on September 20, 2010 regarding the rejection of claims 37 and 39-41 under 35 U.S.C. §102(b) over Freeman et al. (U.S. 5,681,579) in view of Lorenz et al (U.S. 5,258,421), evidenced by U.S. 4,832,009, have been fully considered and found persuasive, and that the rejection has been overcome by amendment to the claims.

Clearly, the Examiner meant §103(a) rather than §102(b) since the rejection is based on a combination of references. Further, a review of the file shows that this was in fact a §103(a) rejection put forth in the Office Action dated September 11, 2009. Claim 37, which depended from claim 34, was cancelled, and the claim element of claim 37 was incorporated into claim 34.

Accordingly, since independent claim 34 now has all of the elements of claim 37, for which the Examiner indicated in the Office Action of November 2, 2010 that the arguments against the rejection thereof under 35 U.S.C. §103(a) over Freeman et al. (U.S. 5,681,579) in view of Lorenz et al (U.S. 5,258,421), evidenced by U.S. 4,832,009, had been fully considered and found persuasive, and that the rejection had been overcome by amendment to the claims, the rejection of claim 34 (which in effect is the independent form of former dependent claim 37) under the

same grounds for rejection as that for claim 37 should be withdrawn as overcome by Applicant's prior arguments and amendments.

Moreover, one of the cited references teaches or suggests, either alone or in combination, Applicant's dual-purpose wound dressing having **both** a membrane layer, which comprises a silicone-containing compound, as a bottom outermost layer of a multilayered composite structure, in which the membrane layer has an outer surface that forms a wound surface containing outer surface that has wound healing characteristics, and a foam layer as a top outermost layer of a multilayered composite structure, in which the foam layer has an outer surface that forms a wound surface contacting outer surface that has wound healing characteristics different from the wound healing characteristics of the outer surface of the membrane layer, as called for in the claims.

Neither Freeman et al. nor Lorenz et al. nor US Patent No. 4,832,009 discloses a wound dressing having **both** a first wound contacting side having a wound surface contacting outer surface having wound healing characteristics and a second wound contacting side having a wound surface contacting outer surface that has wound healing characteristics different from the wound healing characteristics of the outer surface of the first side. There is no suggestion to be gleaned from these references to produce a wound dressing that has **both** a first wound contacting side having a wound surface contacting outer surface that has wound healing characteristics and a second wound contacting side having a wound surface contacting outer surface that has wound healing characteristics different from a wound healing characteristics of the outer surface of the first side.

Freeman et al. disclose various wound dressings comprising a polymeric support layer

and an occlusive backing layer overlaying the support layer. Typically, an adhesive layer is applied to the outer face of the support layer, or to the inner surface of an overhanging portion of the occlusive backing layer, for adhering the dressing to the skin of a patient. Freeman et al. state at column 1, lines 8-13, that their invention is directed to new wound dressings that have a superior ability to absorb wound fluid and prevent dressing leakage and wound maceration. Freeman et al. state that the dressings of their invention are particularly adapted for application on wounds that heavily exudate wound fluids during the healing process. Freeman et al.'s invention has an occlusive film layer 11 that is open to the atmosphere, and has an inner surface 13 which is the side toward the skin (please see column 4, line 15). Freeman et al. further state that their occlusive film layer 11 is selected from a material that is generally impervious to fluid transmission (please see column 4, lines 15-16). Also, Freeman et al. state at column 3, lines 57 to 61, that their invention provides a unique approach to wound care in that their invention provides for the rapid uptake of wound exudate away from the wound, while still providing a moist, occlusive, hydrocolloid environment for wound healing. Clearly, Freeman et al. do not disclose a dual-purpose wound dressing having two different wound surface contacting outer surfaces having two different wound healing characteristics. Freeman et al. not only fail to disclose a wound dressing having two different wound surface contacting outer surfaces having two different wound healing characteristics, but Freeman et al. actually teach away from such a wound dressing. Freeman et al.'s dressing only accomplishes its purpose of providing for the rapid uptake of wound exudate away from the wound while providing a moist, occlusive, hydrocolloid environment for wound healing when the Freeman et al. dressing is oriented with Freeman et al.'s polymeric support layer 12 being in direct contact to the wound and the occlusive layer 11 being oriented above the polymeric support layer 12 and open to the atmosphere.

Orienting Freeman et al.'s dressing in the opposite orientation would result in no exudate being absorbed by the Freeman et al. dressing since the occlusive film layer 11 if positioned against the patient's wound would block exudate from being absorbed by the Freeman et al. dressing since the occlusive film layer 11 is selected from a material that is generally impervious to fluid transmission, and therefore failure of the Freeman et al. dressing to provide for rapid uptake of wound exudate away from the wound.

Lorenz et al. teach a tacky gel used as a wound dressing material. Lorenz et al. further teach that this gel may be applied to a substrate film, including a silicone-polytetrafluoroethylene interpenetrating polymer membrane or film. Lorenz et al. specifically teach that the gel is intended to adhere to skin (please see column 2, line 34). Lorenz et al. teach that substrate films may be used as a backing material (please see column 5, line 55). Lorenz et al. teach away from a dressing designed with two different wound-contacting surfaces as to provide disparate wound healing characteristics depending on which face of the dressing is placed in contact with the wound, since Lorenz et al. explicitly call for a wound-contact face and an outer backing material. A fair reading of Lorenz et al. provides an understanding that the gel serves as the contact surface which is to be applied to the skin (please see column 5, lines 33-40). Lorenz et al. discuss backings for the gel. However, it is only the applicant's present invention in which a teaching or disclosure may be gained of a suggestion to provide a wound dressing which has a first wound contacting side having a wound surface contacting outer surface having wound healing characteristics and a second wound contacting side having a wound surface contacting outer surface that has wound healing characteristics different from the healing characteristics of the outer surface of the first side. Lorenz et al. discuss substrates or backings to be used in conjunction with the gel, the gel being the contact surface.

Moreover, the Examiner's reference to the backing being useful as a burn blanket for serious burns in Lorenz et al. is misplaced. What Lorenz et al. actually disclose is that the wrap can serve the function of cooling the burned area through the heat sink effect of water in the hydrophilic gel (please see column 6, lines 28-34). It is clear from a reading of Lorenz et al. that Lorenz et al. are not disclosing a first surface and a second surface which may be placed in contact with the wound but rather Lorenz et al. throughout rely upon the single, gel surface contacting the skin or wound. The function of cooling the burned area is understood to be accomplished by the water in the hydrophilic gel, when the gel is contacting the skin. It is untenable from a reading of Lorenz et al. to arrive at the conclusion which the Examiner creates in the Office Action. Unlike applicant's invention, Lorenz et al. do not disclose or suggest placing a surface other than the gel in contact with the wound. Contrary to the Examiner's position, Lorenz et al. would not be relied on by one of ordinary skill in the art to arrive at the applicant's present invention.

One of ordinary skill would not be led by any teaching to reverse what Lorenz et al. actually disclose and rely upon for their invention. It would be unfair to impose upon one of ordinary skill in the art the ability to destroy a reference for what it actually discloses in order to then claim that that reference somehow teaches or suggests the applicant's invention.

U.S. Patent No. 4,832,009 states at col. 2, lines 34-44, that the bandage according to the invention of U.S. Patent No. 4,832,009 includes a backing sheet 15 having a top face 17 and a bottom face 19 and is formed from a semi-interpenetrating polymer network material, a pressure sensitive adhesive layer 25 applied to the bottom face 19 and a section of gauze 20 which partially covers the bottom face 19 of the backing sheet 15. The bottom face 19 faces the application site as the bandage is applied to the application site, and the top face 17 faces away

from the application site. Accordingly, U.S. Patent No. 4,832,009 teaches away from a wound dressing having two different wound surface contacting outer surfaces having two different wound healing characteristics.

Freeman et al., Lorenz et al., and US Patent No. 4,832,009 show dressings having **only one wound surface contacting outer surface for contacting a wound**, and there is no suggestion in these references to use the dressings of the references as intended and also in an “up-side down” orientation, if desired, so as to provide a choice of wound healing characteristics from one dressing to a wound.

Freeman et al. disclose a dressing that has only one wound surface contacting outer surface. Lorenz et al. also has only one wound surface contacting outer surface, with only the gel layer of the dressing being applied to the patient’s wound. In Lorenz, if the tacky gel layer is not applied to the entire substrate layer, the non-gel coated inner surface of the substrate layer may be provided with an additional adhesive which contacts the intact skin while the absorbent adhesive gel layer contacts the wound. Similarly, US Patent No. 4,832,009 has only one wound surface contacting outer surface. Accordingly, there is nothing in the references, either taken alone or in combination, that suggests a wound dressing having two different wound surface contacting outer surfaces having two different wound healing characteristics.

Regarding the Examiner’s statement that “. . . the instantly claimed aesthetic design change does not impart patentable significance with regard to the mechanism in which the wound article functions” with regard to claim 41, Applicant notes that claim 41 does not merely recite an aesthetic design change. Applicant’s claim 41 calls for a pigmented adhesive layer that provides a visual indicator for differentiating one side of the dressing from the other side of the dressing in the field. None of the references discloses pigment mixed into an adhesive connecting a

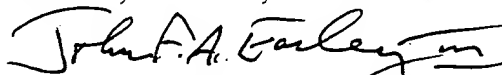
translucent layer to an opaque layer to distinguish one side of the dressing from the other side of the dressing. This is **structurally** completely different from dyeing a membrane layer.

Applicant's wound dressing permits the entire membrane layer to remain unaffected colorwise, but still have a color orienting indicator.

Based on the above, it is respectfully solicited that the §103(a) rejection of the claims be withdrawn.

- 2) If necessary, an appropriate extension of time to respond is respectfully requested.
- 3) The Commissioner is authorized to charge any additional fees which may be required to Patent Office Deposit Account No. 05-0208.

Respectfully submitted,
HARDING, EARLEY, FOLLMER & FRAILEY, P.C.



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